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JAN 15 1974

MEMORANDUM FOR: Deputy Director for Operations

SUBJECT : Foreign Assistance Act of 1973

REFERENCE : Memo for Chief, Services Staff, dated
2 Jan 1974, Subject: Conference
Report on Foreign Assistance Act of
1973

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1. The Foreign Assistance Act of 1973, (P. L. 93-189) provides that "No part of any appropriation made available to carry out this Act shall be used to conduct any police training or related program in a foreign country." Programs conducted under Agency authority are not affected. The conference report on the act notes, however, that it is the intent of Congress that present programs being conducted by the Agency for International Development in foreign countries should not be transferred to some other agency of the Government in order to avoid the prohibition. The language of the act is meant to phase out such programs financed thereunder "and the objective should not be circumvented by using other funds for this purpose."

2. In response to the referent request for their views, it is the consensus of Chief, EA Division, Office of General Counsel, Office of Legislative Counsel, and Special Operations Group that our DDO police and other internal security service liaison programs are not affected by this law so long as:

a. they are clearly and specifically in support of accomplishment of our CIA intelligence collection, counterintelligence or covert action mission and objectives, in support of the narcotics interdiction program, or in support of units whose sole function is that aspect of internal security which may involve combat operations against insurgents; and

b. we do not initiate (or continue) programs whose purpose is simply to replace programs previously funded under the Foreign Assistance Act.

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3. In some cases it may be prudent for OLC to brief our Congressional committees in advance of our undertaking a new program of training or other assistance.

4. It is our recommendation that, if you concur, the foregoing be reflected in a book message and/or dispatch to our field stations as appropriate to complement Department of State guidance on this subject, such as the attached STATE 000841.

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Attachment:
State Telegram 000841

CONCUR:



Chief, Services Staff

15 JAN 1974

Date

The recommendation contained in paragraph 4., above, is APPROVED/DISAPPROVED:

*/s/William E. Nelson

16 Jan 1974

Deputy Director for Operations

Date

*Suggest dispatch only to those Stations each Div Chief determines might be affected.

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